

**Minutes of the Special and Regular Meeting January 11, 2005**  
**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:30 P.M.**

- A. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt, Regarding Purchase of Property pursuant to Government Code Section 54956.8: APN 044-042-180
- B. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Govt Code Sec. 54956.9. One case.

Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Interim City Manager Rich, Deputy City Attorney Zaffarano), Parks and Recreation Director Mittelstadt (Item A only), Robert Hilton of Hilton, Farnkopf & Hobson (Item B only). City Clerk Cook was excused from attending.

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**ADJOURNMENT** at this time, being 7:28 P.M., these Closed Sessions were adjourned.

This meeting not tape-recorded or videotaped.

Terri Cook

City Clerk

**REGULAR MEETING**

**CALL TO ORDER – 8:10 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Feierbach, Bauer, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Deputy City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

## **REPORT FROM CLOSED SESSION (from December 28, 2004 and earlier in evening)**

Mayor Warden stated that direction was given, but no action taken.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

Bruce Grant, Harbor Boulevard, stated that he has had a firewood stack in his front yard for a number of years creating a visual barrier, and he has never received complaints. His intent was to move the wood to the backyard, and his neighbors offered to help split the wood. Due to a variety of reasons the project was delayed. One neighbor has brought the issue to the City for enforcement via petition. He requested a time extension in order to comply with the new provisions in the property maintenance ordinance.

Community Development Director Ewing stated that staff would provide followup information to the Council regarding this issue.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Mathewson introduced new Finance Commissioner Mike Loo. He noted that the Finance Commission is performing self-evaluation to become more effective. He also noted that it was looking into options for solar energy.

Councilmember Metropulos stated that he participated in a ride-along with the Police Department on New Year's Eve. He commended the Countywide "Avoid the 23" anti-DUI program.

Mayor Warden announced that the groundbreaking for the new library took place on January 6. He also announced that applications were being accepted for various commission openings. He noted that on January 14, the new in-pavement crosswalk flashers would be activated at the three trial locations. Public Works Director Davis briefly described how these flashers will improve safety for pedestrians.

City Clerk Cook gave a brief update of Belmont-Namur Sister City activities. She announced that music students from Ralston Middle School would be traveling to Namur in the Spring, and they would be giving a concert prior to leaving. She shared newspaper articles from Namur describing the recent visit by Alan and Emily Sarver, who are coordinating the trip. She also presented a t-shirt designed by Ralston School's Sister City E-Pal program participants, which will be added to the Namur display cabinet at City Hall. Mayor Warden suggested that the students visit City Council after they return to describe their experiences.

### **AGENDA AMENDMENTS**

Councilmember Bauer requested the removal of Item 4-B (Employer Pickup Resolution--Pre-tax Payroll Deduction Plan for Service Credit Purchases) for separate consideration.

### **CONSENT CALENDAR**

**Approval of** Minutes of Special Meeting of December 9, 2004, and Special and Regular Meeting of December 14, 2004.

**Approval of** Resolution 9620 in Support of the San Francisco Department of Public Health's Efforts in Obtaining a Formal Position from the California Conference of Local Health Officers on the Use of Chloramine in Drinking Water.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, the Consent Calendar was unanimously approved, as amended, by a show of hands.

### **ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

#### **Employer Pickup Resolution--Pre-tax Payroll Deduction Plan for Service Credit Purchases**

Human Resources Director Dolan explained that this resolution would give employees the ability to purchase additional service credit from Public Employee Retirement System (PERS) using pre-tax dollars. She clarified that previous to this action, only post-tax dollars could be used for this purpose. She noted that there is no cost to the City for this benefit, only to the employee.

Councilmember Bauer stated that this is a good benefit, and it is important for people to know that this is available.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, Employer Pickup Resolution 9621--Pre-tax Payroll Deduction Plan for Service Credit Purchases was unanimously approved by a show of hands.

### **HEARINGS**

**Zoning Code Amendment - Noticed of Administrative Approvals. To consider revisions to Sections 4.2.10.J, 4.7.11(g), 9.5.2, 10.5.2, 11.7.1, 12.12.D, 13.5 and 14.9.2 of the City of Belmont Zoning Code, amending the procedures for providing notice of administrative decisions to include notification to the Planning Commission and City Council.**

Community Development Director Ewing stated that the Planning Commission recommended approval of this revision to the zoning code to require notification to the Planning Commission and City Council of administrative staff approvals for Conditional Use Permits, floor area exceptions, and other entitlements that do not require Commission approval. He noted that the Commission also approved the use of email as the notification method.

In response to Council questions, Community Development Director Ewing stated that neither the Planning Commission nor the Council has the authority to call these items up for review. He added that Council does not have the authority to call up administrative items directly, that any appeal of these decisions would be heard by the Planning Commission. He clarified that only individuals may appeal these decisions, including individual Commissioners and Councilmembers, and there is a minimal fee set forth on the Master Fee Schedule.

Mayor Warden stated that a clause could be added to this ordinance to allow the Commission to call administrative items up for review. Community Development Director Ewing responded that there is a cost for this action, and there would need to be a mechanism for reimbursement.

Mayor Warden opened the Hearing. There were no public speakers for this item.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, and unanimously approved by a show of hands to introduce an ordinance amending Sections 4.2.10.J, 4.7.11(g), 9.5.2, 10.5.2, 11.7.1, 12.12.D, 13.5 and 14.9.2 of the City of Belmont Zoning Code, amending the procedures for providing notice of administrative decisions to include notification to the Planning Commission and City Council, to waive further reading and set the second reading and adoption for January 25, 2005.

## **NEW BUSINESS**

### **Discussion and Direction regarding City Attorney Services**

Interim City Manager Rich stated that data was collected from other cities in San Mateo County regarding city attorney services. He noted that six cities have in-house attorneys, while the others contract out for service, and clarified that budgeting is different in each cities, making comparisons

difficult. He stated that the issues are cost, level of service, responsiveness, and access, and that there are pros and cons of each option. He commented that in all cases, costs are higher for in-house services, and the potential for Belmont are costs increases of \$100,000 to \$300,000.

Councilmember Bauer stated that there are valid reasons for in-house services such as access, and the ability to address issues in a more timely fashion. He commented that Belmont has been well served by City Attorney Savaree and her firm. He noted that it is time consuming to recruit, and there are costs for other needs such as space, support staff, and technology, and it is not financially feasible to pursue this at this time. Other legal specialties will always be needed, and this issue is not likely to be resolved before the next fiscal year.

Councilmember Mathewson agreed that it is not financially feasible to pursue in-house legal services at this time.

Councilmember Metropulos stated that accessibility reasons make it more beneficial to have in-house services, since the attorney would have no other obligations, but financial reasons are compelling for not pursuing this issue at this time.

Councilmember Feierbach stated that if one person could cover all aspects of legal issues, it would be feasible. She noted that response times are sometimes slow, and delays can be costly. She would like to have more years worth of financial data from Belmont and other cities for future consideration. She added she could support going in-house if the additional monies were \$50,000 or less.

Mayor Warden agreed with the financial concerns expressed. He noted that there were upcoming legal issues with South County Fire, the needs of the new Economic Development Director, and City code updates. He recommended reviewing this issue at Budget time.

Council concurred to review this issue during fiscal year 2006 Budget discussions. Interim City Manager Rich stated that staff could provide additional data by that time.

#### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Discussion and direction to use the domain "belmont.gov" as the standard or alternate for City contact and e-mail addresses (Warden).**

Information Services Manager Harnish stated that this issue concerns the length of the address for City email. She noted that a domain change can be done, but there remains the issue regarding addresses on business cards. She clarified that with the upcoming change of address for City Hall, new business cards have been ordered.

Mayor Warden stated that "Belmont.gov" is easier to communicate, and is a common use of the domain name.

Interim City Manager Rich stated that there are some logistical issues with this request, but the item could be brought back for further discussion.

Council concurred to consider this item at a future meeting.

**ADJOURNMENT** to Closed Session, 9:07 P.M.

**CLOSED SESSION**

A. Public Employee Appointment Pursuant to GC 54957: City Attorney

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Attended by Councilmembers Feierbach, Mathewson, Warden, Bauer, Metropulos, Interim City Manager Rich. City Clerk Cook was excused from attending.

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(Closed Session not tape-recorded or videotaped.)

**ADJOURNMENT** at this time, being 9:55 P.M.

Terri Cook  
Belmont City Clerk

Meeting Tape Recorded and Videotaped  
(Closed Session not tape recorded or videotaped.)  
Tape No. 599